

Before The  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C.

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of

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MM Docket No. \_\_\_\_\_

)

Amendment of Section 73.202(b)

)

RM No. \_\_\_\_\_

)

Table of Allotments

)

FM Broadcast Stations

)

Big Sky, Montana

)

To: The Allocations Branch  
Policy and Rules Division  
Mass Media Bureau

**PETITION FOR RULEMAKING**

R. Steven Hicks ("Hicks"), by counsel, hereby petitions the Federal Communications Commission for the initiation of a rulemaking proceeding to amend the FM Table of Allotments, Section 73.202 of the Commission's Rules, to assign FM Channel 242A to the community of Big Sky, Montana, as follows:

City	Present	Proposed
Big Sky, Montana	283A	283A, 242A

1. As indicated in the attached Engineering Statement (attached hereto as Exhibit 1), Channel 242A can be assigned to Big Sky, Montana in complete compliance with the Commission's distance separation requirements, as set forth in 47 C.F.R. § 73.207. The reference coordinates, 45-16-38 North and 111-17-38 West, show that the 70 dBu (city grade contour) entirely encompasses Big Sky, Montana, as required by 47 C.F.R. § 73.315(a) and (b). Moreover, the reference coordinates are located in an area that is suitable for tower location; a tower is located at this site.

2. Big Sky, Montana is located in Gallatin and Madison Counties, Montana. According to the 1999 Rand McNally Road Atlas, Big Sky, Montana has a population of 500 persons—although this figure appears to be outdated.<sup>1</sup> Big Sky, Montana is located 40 miles

<sup>1</sup> According to the Big Sky Chamber of Commerce, the Big Sky region has approximately 1,000 registered voters, 1,400 post office boxes, and 1,200 full-time residents, such that Big Sky's population has approximately doubled in the last 10 years from 500 to approximately (Continued...)

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north of Bozeman, Montana and 185 miles west of Billings, Montana. At present, despite its status as a growing resort town,<sup>2</sup> Big Sky, Montana is served by only one full service FM station and no AM stations. Therefore, the public interest would be served by the assignment of Channel 242A to Big Sky, Montana.


3. If the Commission assigns Channel 242A to Big Sky, Montana, Hicks will apply for a construction permit and will promptly construct a new facility upon award of the permit.

**WHEREFORE**, in accordance with the above, Hicks respectfully requests that Channel 242A be assigned to Big Sky, Montana.

September 24, 1999

Respectfully submitted,

R. Steven Hicks

By: 

Gregory L. Masters, Esq.  
Marjorie J. Dickman, Esq.  
Counsel to R. Steven Hicks

Wiley, Rein & Fielding  
1776 K Street, N.W.  
Washington, D.C. 20006  
(202) 719-7000

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(...Continued)

1,000 persons. Telephone Interview with Ania Bulis, Executive Director of the Big Sky Chamber of Commerce (Sept. 23, 1999). Similar to the Chamber of Commerce's estimate, in 1998, Gallatin County officials estimated that "the equivalent of 1,500 full-time residents live in Big Sky." Susan Gallagher, Montana's 'Aspen' Faces Growing Pains Recreation: Few Controls Exist in Big Sky as New Wealth Surges In and Developers Follow, L.A. TIMES, Jan. 18, 1998, at B3.

<sup>2</sup> Roger Staley, the planner for Madison County, Montana, "predicts that Big Sky will look like a small city in 15 years or so . . . ." Susan Gallagher, Montana's 'Aspen' Faces Growing Pains Recreation: Few Controls Exist in Big Sky as New Wealth Surges In and Developers Follow, L.A. TIMES, Jan. 18, 1998, at B3. "Hammers are pounding . . . in Big Sky . . . . Builders are putting up more condos and luxury homes . . . . Boyne USA is expanding its ski resort . . . , and other developers plan major projects nearby. . . . Builders are busy near the entrance to Big Sky and up the road to Lone Peak." Id.

**EXHIBIT 1**

**ENGINEERING STATEMENT**

## ALLOCATION NARRATIVE

This statement is prepared on behalf of **R. Steven Hicks**. This is a petition for Rulemaking which requests an amendment of the Table of FM Channel Allotments, Section 73.202(b) of the FCC Rules. The request is to add Channel **242A** to **Big Sky, Montana**. This statement discusses the technical factors involved in the above allotment.

1. The reference coordinates for this **Big Sky** proposal are:

Latitude 45°16'38" North, Longitude 111°17'38" West

2. As can be seen from the attached Exhibit A Allocation Study, Class **A** operation from this site will comply with all separation requirements as set forth in §73.207 of the FCC Rules.

3. From the reference site the entire village of **Big Sky** will be served with the 70 dBu contour as required by §73.315(a) and (b) as shown in Exhibit B.

4. The site proposed herein is beyond the 320 km coordination distance required with Canada and Mexico.

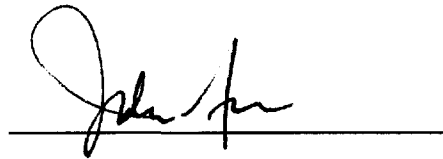
5. The population served will be **4,453** persons within the 60 dBu (1 mV/m) contour having an area of **3,190** square kilometers.

6. In compliance with MM Docket 92-159 for proving site compliance, Exhibit C is a site map showing that the reference coordinates is located in an area suitable for tower location. This map indicates that a tower is located at this site.

7. This will be the second assignment to Big Sky.

I, John R. Furr, am a Communications Consultant, and represent **R. Steven Hicks**. My qualifications are a matter of record with the Federal Communications Commission, and all statements made herein are true and correct to the best of my knowledge and belief.

September 22, 1999

A handwritten signature in dark ink, appearing to read "John R. Furr", is written over a horizontal line.

John R. Furr  
8620 N. New Braunfels, Suite 305  
San Antonio, TX 78217  
210-828-4555

09-21-1999

John Furr & Associates Inc.

PAGE 1

FM Study for: NEW  
Location: BIG SKY, MT  
Call City, State  
Status Proponent

FCC Database Date: 9/1999 45-16-38  
Channel Class: A 111-17-38  
Chan Class Freq kW Latitude Dist. Required  
File Number HAAT Longitude Azm. Clear (km)

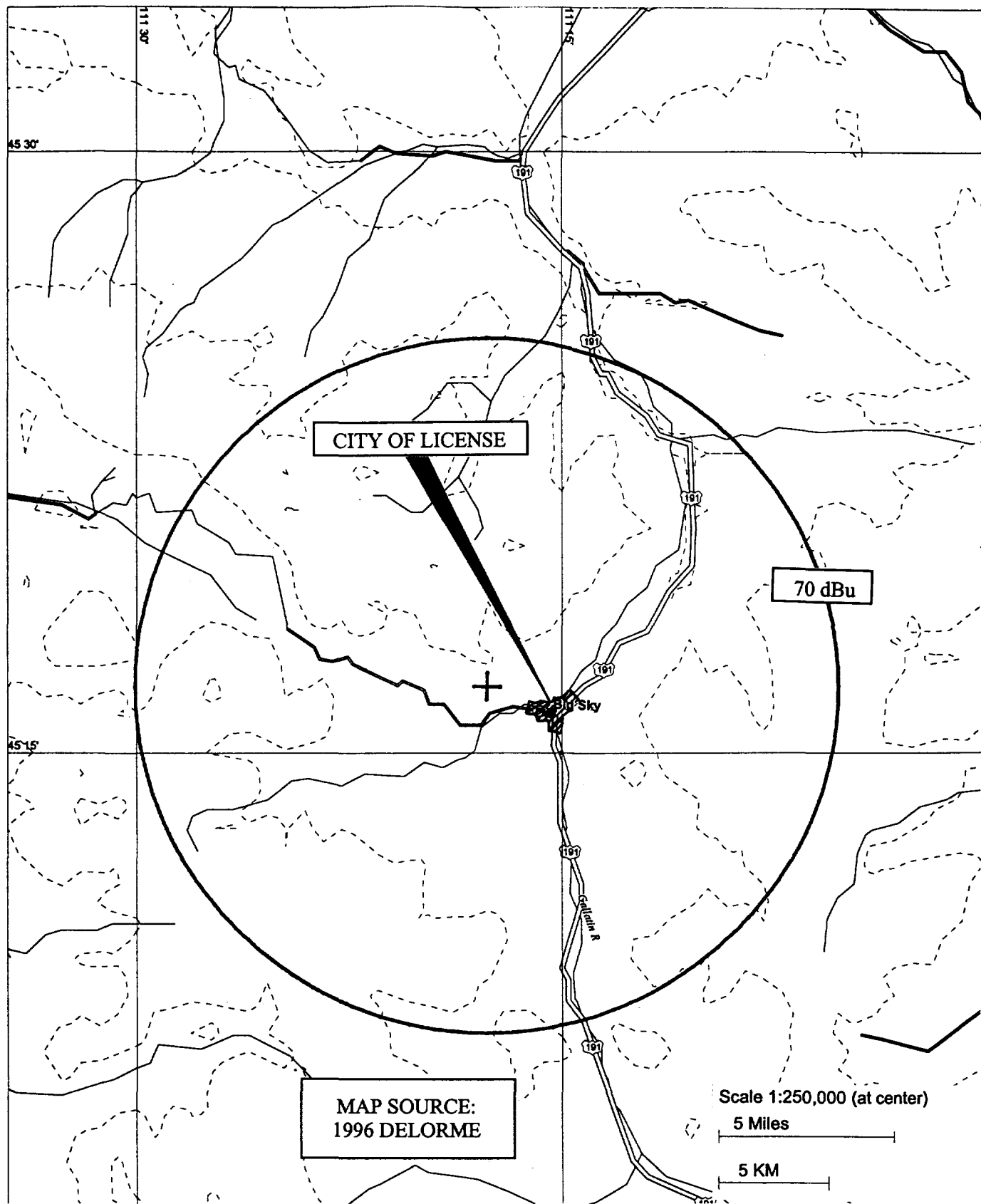
>>>>>>> Study For Channel 242 96.3 MHz <<<<<<<<

KEZQ WEST YELLOWSTONE, MT 243 A 96.5 6.0 44-38-56 71.53 72  
LIC Gary N. Petersen BLH-960220KB -52 111-05-50 167.4 -0.47 CLOSE  
\*To Channel 225C per D97-200

KSCY BELGRADE, MT 244 C2 96.7 8.6 45-40-24 55.24 55 73.215  
LIC Gilbert Broadcasting BLH-960826KF 228 110-52-02 37.0 +0.24 CLOSE  
From Channel 244C3 per One-Step Application BPH-960305IA

ALLOC BOZEMAN, MT 240 C3 95.9 45-40-48 49.0 42  
VAC Docket-98-23 0 111-02-18 24.0 +7.0 CLOSE  
Effective 6-29-98 - Reserved for Noncommercial Educational Use

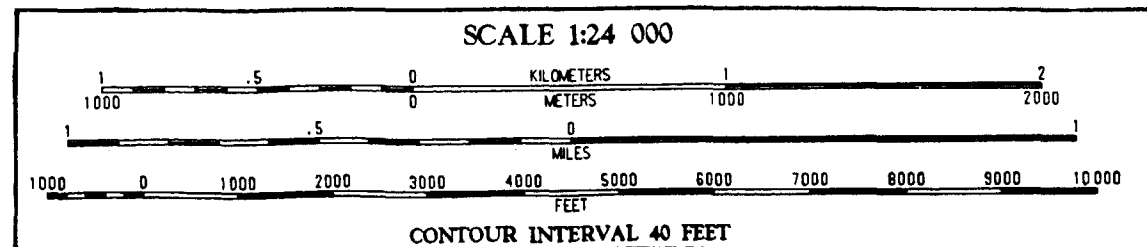
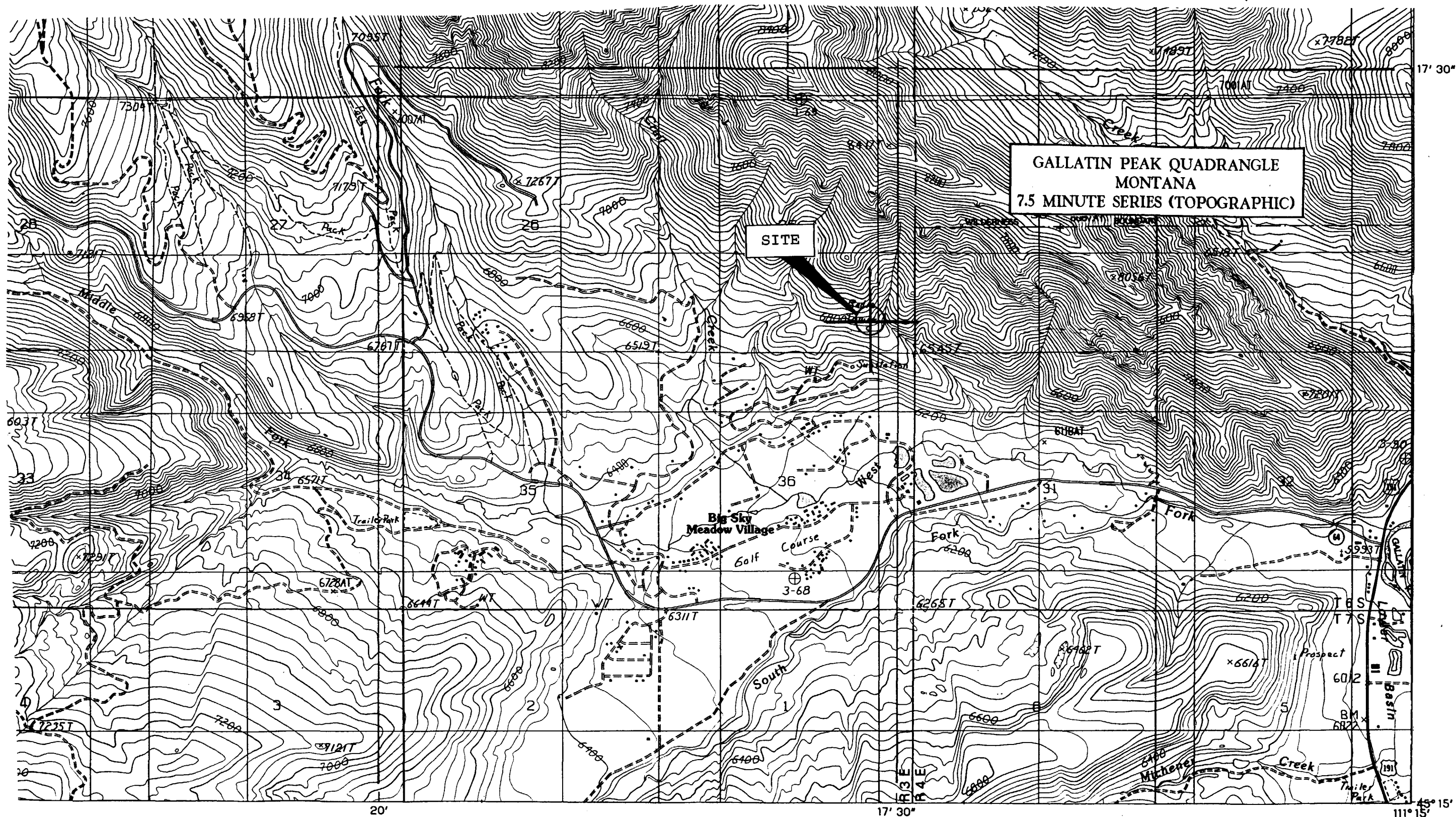
KCMT BILLINGS, MT 242 C1 96.3 100. 45-45-37 228.4 200  
LIC Sunbrook Communicatio BLH-981117KA 212 108-27-09 75.4 +28.4 CLEAR



**JF&A**  
COMMUNICATIONS  
CONSULTANTS

CONTOUR MAP

NEW  
BIG SKY, MT  
EXHIBIT B



**JF&A**  
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SITE MAP

NEW  
BIG SKY, MT  
EXHIBIT C